VIRGINIA GENERAL ASSEMBLY

Brown v. Board of Education SCHOLARSHIP COMMITTEE

# POLICIES OF THE COMMITTEE

**§ 30-231.01 et seq., Code of Virginia**

In accordance with § 30-231.8 of the Code of Virginia, the following policies are instituted by the *Brown v. Board of Education* Scholarship Committee to "establish standards, determine approved education programs, and ensure that the Program is implemented and administered in a manner that preserves the purpose for which it was created."

## I. Submission of New and Renewal Applications

- Application packets are available online after January 1 on the Committee's website: http://brownscholarship.virginia.gov. Applications are distributed free by mail upon request. Renewal applications are mailed after January 1 each year to all current scholarship recipients.
- All applications must be signed by the **applicant**.
- Deadlines, as indicated on the application, for submission of applications, acceptance forms, and other documents required by the Committee **will not be waived**.

## II. Eligibility for Scholarship

Eligibility for scholarship awards is limited to **current domiciled** residents of Virginia who between 1954 and 1964 were:

- Students in the public schools of **Arlington**, where state public education funds were rescinded due to desegregation, or of **Charlottesville**, **Norfolk**, **Prince Edward County**, or **Warren County** where the public schools were closed to avoid desegregation; and
- Unable to begin, continue, or complete their public school education in one of these school divisions; or
- Relocated within or outside of the Commonwealth during Massive Resistance to begin, continue, or complete their public school education between 1954 and 1964 due to public school closings to avoid desegregation; or
- Ineligible to attend a private academy or foundation, in-state or out-of-state, established to circumvent desegregation; and
- Unable to pursue postsecondary education opportunities or training because of the inability to obtain a high school diploma due to public school closings to avoid desegregation.
- Virginia law, § 30-231.2 of the Code of Virginia, provides that "only students who are domiciled residents of Virginia as defined by § 23.1-502 shall be eligible" to receive *Brown v. Board of Education* Scholarship awards. **Renewal awards will only be made to current scholarship recipients who meet the provisions of this section and who are in good academic standing at approved institutions.**

## III. How to Apply for a Scholarship or Renewal of Scholarship

Applicants must be able to prove that they are current domiciled residents of the Commonwealth of Virginia at the time of application for a scholarship or renewal of a scholarship.

Documents accepted to establish Virginia **domicile. One** of the following documents **at least one year old:**

- Current Virginia driver's license or identification card
- Current Virginia vehicle registration
- Virginia voter registration card
- Affirmation that you filed a state income tax return in Virginia

Documents accepted to establish Virginia **residency**. **Two** of the following documents **not more than 60 days old:**

- Payroll check stub from a Virginia employer
- Monthly bank statement in your name to your Virginia address
- Utility bill in your name to your Virginia address (cellular phone and pager bills are not accepted)
- Cancelled check with both name and Virginia address imprinted
- Leave and Earnings Statement (LES) showing Virginia as your domicile, if active-duty military

**Copies of the documents above are acceptable. Do not send originals.**

Applicants must:

- Meet the eligibility criteria for awards established by law.
- Request, complete, and return an application form, together with appropriate documents to establish domicile and residency in Virginia, by the application deadline.
- Provide a copy of the letter of admission or acceptance to the program to which he has applied, or in which he is currently enrolled that meets the qualifications of the scholarship program.
- Sign an acceptance form affirming the accuracy of the information he has provided and that he agrees to pursue the approved education program for which the scholarship is awarded until his graduation or the completion of the program, as appropriate.
- If applying for scholarship renewal, request, complete, and return the application form by the application deadline, verify continuation of Virginia domicile and residency, and submit a copy of his transcript to document satisfactory academic achievement, continuous enrollment in an approved education program, and progress toward program completion.
- If intending to enroll in the summer term, notify the Committee in writing by May 1 of the academic year in which he plans to attend summer school.
- If seeking readmission to the Program and reinstatement of the scholarship award, submit a written statement explaining the extenuating circumstances that contributed to his withdrawal and request reinstatement of the award. If the award is rescinded due to academic suspension, the applicant must also submit documentation of his reinstatement in good academic standing from the approved education program.

## IV. Required Notifications to the Committee

A scholarship recipient must notify the Committee if the recipient:

- Decides not to attend school at all
- Decides not to attend school in the academic year in which he received the award
- Decides to transfer from one school to another
- Decides to withdraw from school
- Decides to enroll in online courses, degree programs, or distance learning at an approved educational program
- Decides to enroll in the summer term

## V. How Scholarship Awards May Be Used

| Programs | Duration |
|---|---|
| Transitional education programs and services | 1 year |
| GED Program | 1 year (one time only payment of costs for GED preparation program, instructional materials, and test) |
| Adult high school diploma | 1 year (tuition and book allowance) |
| Career and technical education and training | Minimum number of credit hours required for program completion |
| College-Level Examination Program (CLEP) | One time only payment of costs for CLEP preparation program, instructional materials, and examinations |
| Two-year degree program | Minimum number of credit hours required for program completion |
| Four-year undergraduate degree program | Minimum number of credit hours required for program completion |

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| Certain recognized five-year undergraduate degree program (includes 4-year undergraduate plus 1-year master's degree) | Minimum number of credit hours required for program completion |
| Masters and doctoral degree | Minimum number of credit hours required for program completion |
| Professional degrees | Minimum number of credit hours required for program completion |

- Scholarship awards may be used during the summer term.
- A scholarship award may be used **only** to pay the costs of tuition, textbooks, fees, and laptops as approved by the Committee.
- No scholarship award may be used to obtain multiple baccalaureate, masters, doctoral, or professional degrees.
- No scholarship award may exceed the total annual costs of tuition, textbooks, and fees for the specific program in which the recipient is enrolled, as approved by the Committee.
- No scholarship award may be used for expenses or other assessments required by an educational agency, except as approved by the Committee.
- Persons who obtain the GED certificate, adult high school diploma, career and technical education and training, or a two-year undergraduate degree may be eligible for a scholarship to obtain a four-year undergraduate, masters, doctoral, or professional degree

A. The maximum annual award per term is set by the *Brown v. Board of Education* Scholarship Committee. Scholarship awards, which may include an allowance for textbooks as determined by the Committee, may be used ***only*** in the academic year in which they are awarded at approved educational programs.

B. The scholarship shall be limited to no more than the minimum number of credit hours required to complete requirements for an approved educational program as verified by the institution. Awards for costs in excess of the credit hour limit may be issued only upon approval of the Committee.

C. Scholarships may be used ***only*** to cover the costs of tuition, textbooks, fees, laptops, and instructional materials "required" or deemed necessary by the professor or instructor to satisfy the requirements of the course, as approved by the Committee. Fees include all assessments required as a condition of enrollment into an approved educational program, including: application fees, general per credit hour fees, general service fees, graduation fees, health fees, individual class fees, parking fees, portfolio review fees, registration fees, student activity fees, technology fees, transportation fees, and other fees as may be approved by the Committee. However, no scholarship may be used to defray the costs of room and board, supplies incidental to matriculation in an educational program (e.g. pens, pencils, notebooks, or paper), food, or personal items and expenses.

D. A book allowance for each term is included in the scholarship award and may be used only for textbooks and required instructional materials. The book allowance may be used by graduate students enrolled in the theses or dissertation term to cover the costs of meeting the institution's academic requirements associated with the theses term, e.g. research, duplication of materials, books, publication of theses or dissertation. The book allowance is intended to offset the costs of textbooks and required instructional materials and is not guaranteed to cover the actual costs of textbooks and materials. The amount of the book allowance shall be prorated based on the number of credit hours in which a student is enrolled. All costs for tuition, textbooks, and fees shall be disbursed directly to the institution or approved educational program; however, an approved educational program may refund the student the funds allocated by the Committee for the book allowance, after the costs of tuition and fees have been deducted from the student's account, to allow the student to purchase textbooks and required instructional materials. Therefore, receipts for the repayment of costs incurred by a student to purchase textbooks and instructional materials, and invoices submitted to the Committee by an institution or educational program for payment of the costs of textbooks and instructional materials will not be acknowledged.

E. In the event that the Committee approves the purchase of a laptop by a student, the purchase and use thereof shall be governed by the terms and policies established by the Committee.

F. For the purposes of the *Brown v. Board of Education* Scholarship Program, "tuition" means the cost assessed for instruction and fees required by an institution or an approved educational program. Tuition includes the costs of: (i) attendance (ADM),

and books and materials for attendance in adult education (high school diploma) programs in the public schools; (ii) the costs of the GED class, book and materials, and tests; and (iii) the costs of the CLEP examinations and essays.

G. A scholarship awarded to a student under this Program may not be reduced by an institution or approved educational program as a result of other financial aid received by the student, regardless of the source of the financial aid. However, in accordance with § 30-231.3 of the Code of Virginia, the scholarship may be reduced by the Committee to ensure that, when the scholarship is added to other gift aid, the total assistance does not exceed the student's cost of attendance at the institution.

**VI. Educational Programs That Qualify**

- Recognized preparation programs for the General Education Development Certificate (GED) and College-Level Examination Program (CLEP)
- Adult Basic Education Programs offered by Virginia public schools
- Comprehensive community college programs (i.e. two-year undergraduate degree programs) at Virginia community colleges
- Career and technical education and training at Virginia community colleges, and licensed nonprofit career (postsecondary career and technical education) schools
- Four-year and certain recognized five-year undergraduate degree programs at accredited Virginia public and private four-year institutions of higher education, including summer school and undergraduate and graduate degree programs offered electronically by these institutions
- Graduate masters and doctoral level degree programs
- Professional degree programs, e.g. medicine, law, dentistry, optometry, nursing, veterinary medicine

For purposes of the *Brown v. Board of Education* Scholarship Program, "accredited Virginia public or private institution of higher education means a state-supported or private institution of higher education that is formed, chartered, incorporated, or established in Virginia whose main campus is within the Commonwealth of Virginia, and the institution is accredited by a national or regional organization or agency recognized by the United States Secretary of Education for the purpose of ensuring the quality of education or training provided by the institutions of higher education and the higher education programs they accredit."

"Educational agency" means any (i) public school or adult education diploma program in compliance with the Virginia Board of Education, (ii) public or private accredited two-year or four-year Virginia institution of higher education in compliance with the Southern Association of Colleges and Schools accreditation standards for institutions and academic programs or other national or regional organization or agency recognized by the United States Secretary of Education for accrediting purposes, (iii) General Education Development (GED) preparation program in compliance with the requirements of the American Council on Education, (iv) College-Level Examination Program (CLEP) in compliance with the requirements of the College Board, or (v) accredited [nonprofit] career and technical education postsecondary school in the Commonwealth in compliance with the State Council of Higher Education, all of which accept for admission recipients of the *Brown v. Board of Education* Scholarship Program."

**VII. Educational Programs That Do Not Qualify**

- Theological schools and seminaries
- Private career and technical education, and vocation schools
- Private for-profit proprietary schools
- Out-of-state schools and institutions, including out-of-state schools and institutions with Virginia campuses, whether or not courses are provided online or through other distance learning programs and technologies
- Correspondence schools

**VIII. Criteria for Approved Education Programs**

In accordance with the provisions of subdivision 3 of § 30-231.8, Code of Virginia, institutions of higher education accepting *Brown* scholars must be in compliance with the Southern Association of Colleges and Schools' Principles of Accreditation: Foundations for Quality Enhancement. Adult high school education, GED, and CLEP programs must comply with regulations of the Virginia Board of Education, the American Council on Education, and the College Board, respectively.

**IX. Unannounced Students ("Show Ups")**

The Committee will not be responsible for the tuition, mandatory fees, or the books and supplies of any person who presents himself at an institution or program and who has not applied for a scholarship through the required application process, has not received a scholarship from the Committee, or has not been admitted to the institution or program.

**X. Programs and Courses**

The scholarship may not be used for personal enrichment classes or the pursuit of avocational interests. Students may enroll in online courses, degree programs, and distance learning *only* at institutions and educational programs approved by the Committee.

**XI. Confidentiality of Applicant and Recipient Records**

In accordance with § 2.2-3705.4 of the Code of Virginia, the records and personally identifiable information of applicants and recipients, including scholarship applications, personal financial information, and confidential correspondence and letters of recommendation, are exempt from public disclosure under the Freedom of Information Act (FOIA). In addition, the Committee acts in compliance with the provisions of state and federal laws requiring the protection of personal identifiable information, and the federal Family Educational Rights and Privacy Act Regulations (FERPA) 34 CFR Part 99, governing access to and disclosure of student educational records.

**XII. Academic Year**

"Academic year" means consecutive fall, spring, and summer terms of the academic or school year. For purposes of the *Brown v. Board of Education* Scholarship Program, the summer term shall be considered a "trailer term." Scholarships are awarded beginning with the fall term of the award year.

**XIII. Summer School**

Prior to attending summer school, a student shall notify the Committee that he intends to enroll in summer school. Such notification must be indicated on the renewal application form for the relevant academic year, or in writing to the Committee by May 1 of the academic year the student intends to enroll in the summer semester of an approved education program.

**XIV. School Transfer**

Scholarship recipients who desire to transfer to another institution or program must notify the Committee and his current program, school, or institution where he is enrolled before transferring, submit a copy of his admission letter from the new institution, and file a new scholarship acceptance form with the Committee. Funds will not be disbursed for any student who has not submitted these documents.

**XV. Student Appeals**

A student who has been dismissed by or has withdrawn from an approved educational program due to unsatisfactory academic performance or failure to comply with an institution's course completion rate may appeal to the Committee for continuation in the *Brown* Scholarship Program, pursuant to this section. The Committee, in accordance with its requirements for appeals, shall ascertain and consider the relevant facts in each case, including any extenuating circumstances, institutional policies governing dismissals, withdrawals, and readmission, and determine whether to authorize the student's continued participation in the Program.

**XVI. Program Withdrawal and Reinstatement**

A. If a student withdraws from the institution or Program, the scholarship shall be prorated based upon the tuition refund policy in effect at the time of the recipient's admission to the institution or program. The Committee may either (i) require a student to reimburse the Commonwealth a portion of the book allowance, the amount of which shall be determined by using the percentage applied by the institution's tuition refund policy, or (ii) reduce any future book allowance accordingly.

B. A scholarship recipient who withdraws from the Program and the educational program in which he is enrolled due to extenuating circumstances may be readmitted to the Program. Requests for readmission to the Program will be considered and approved by the Committee on a case-by-case basis. Any person seeking readmission must submit a written statement explaining the extenuating circumstances that necessitated his withdrawal and request the reinstatement of the scholarship.

**XVII. Criteria for Approved Education Programs**

In accordance with the provisions of subdivision 3 of § 30-231.8, Code of Virginia, institutions of higher education accepting *Brown* scholars must be in compliance with the Southern Association of Colleges and Schools' Principles of Accreditation: Foundations for Quality Enhancement. Adult high school education, GED, and CLEP programs must comply with regulations of the Virginia Board of Education, the American Council on Education, and the College Board, respectively.

**XVIII. Disbursement of Funds**

The *Brown v. Board of Education* Scholarship Program is state financial aid. Scholarship funds are disbursed on behalf of the student directly to the approved education program (i.e., institution or program). No funds are disbursed directly to the student. Disbursement of earned scholarship funds from the institution to the student are subject to institutional policy. Funds will not be disbursed under any circumstance until:

- The student's application is complete, including date of birth, social security number, mailing address, name of school closed, last grade attended, and signature;
- The student has submitted evidence of his current Virginia domicile and residency;
- The student has submitted a copy of his admission letter from or verification of his enrollment in an approved education program;
- The student has notified the Committee of his enrollment in online courses, degree program, or distance learning at an institution or educational program approved by the Committee;
- The student has submitted the signed acceptance form, indicating that he accepts the scholarship;
- The student has submitted a copy of his transcript from the previous academic year, if requesting scholarship renewal to attend an institution of higher education;
- The student has submitted a copy of the Literacy Certificate, if enrolled in a transition education program and requesting scholarship renewal to enroll in a GED or adult education program;
- The student has submitted evidence of his completion of the GED program or adult education program, if requesting scholarship renewal to pursue higher education;
- The student has submitted his CLEP scores, if requesting a scholarship or scholarship renewal and the student has elected to enroll in an institution of higher education through CLEP; and
- The institution or program has verified the student's enrollment to the State Council of Higher Education.

**XIX. Refunds**

An approved educational program shall refund to the student funds allocated by the Committee for the book allowance each term, after tuition and fees have been deducted from the student's account to permit the student to purchase required textbooks and materials.

**XX. Recovery of Award**

- The Committee is authorized by law to establish criteria for the awarding, renewal, cancellation, rescindment, recovery, and repayment of scholarship awards, in accordance with § 30-231.3.
- The Committee is authorized to reduce the amount of the award to ensure that when the *Brown* scholarship award is combined with other gift aid that the total does not exceed the student's cost of attendance.
- Any person who uses a false or fictitious name or gives a false or fictitious address in any application for a scholarship or who knowingly makes a false statement or conceals a material fact or otherwise commits a fraud in any such application shall be guilty of a Class 3 misdemeanor.
- Any person who is verbally abusive or otherwise disrespectful to, or threatens a member of the Committee, its staff or agent may forfeit his scholarship award for the academic year in which it was made or may be deemed ineligible to renew a scholarship award.

**XXI. Guarantee of Scholarship Funds**

Scholarship funds are not guaranteed for the succeeding year for any student who has received an award and elects not to enroll in an approved education program during the academic year in which the award was made.

**XXII. Eligibility for Future Awards**

A scholarship recipient may be eligible for renewal of the award if he:

- Maintains Virginia domicile and residency
- Evidences satisfactory academic achievement and progress toward program completion
- Maintains continuous enrollment in an approved education program until graduation or program completion
- Applies for scholarship renewal

However, an award shall be cancelled and the renewal of the award shall be prohibited for any student who is the subject of any disciplinary proceeding resulting in his suspension, expulsion, discharge, or withdrawal, whether voluntary or involuntary, due to (i) violation of institution and program policies governing the use and possession of alcohol, or the use, sale, possession, or distribution of controlled substances and paraphernalia, or (ii) a criminal indictment or conviction.

**XXIII. Transition Programs and Services**

A. All applicants who possess minimum basic reading, comprehension, writing, and computational skills shall be required to complete a transitional education program or participate in such services, and receive a "Literacy Certification," before enrolling in GED or adult education programs.

B. The General Education Development (GED) program assesses students upon entry for success in the program. After assessment, persons needing compensatory education should be referred by GED programs to local literacy councils for basic skills training. Therefore, *Brown* scholars who need compensatory education prior to enrollment in GED preparation and adult basic education programs must be referred to local GED programs which shall serve as a portal to appropriate transition education programs to meet the educational needs of such persons.

C. Applicants for the GED will be advised of their eligibility to apply for a scholarship to continue their education at an accredited public or private two-year or four-year institution of higher education.

D. Applicants will be counseled concerning the need for transitional education programs and services, appropriate educational programs, the admissions and financial aid processes, setting educational goals, to facilitate maximum successful transition and academic success of scholarship recipients.

E. Transitional education programs may include remediation, acceleration, and fundamental basic life skills to equip and enable applicants to benefit from the General Education Development (GED) certificate preparation program and adult education programs, and to transition successfully to higher education programs.

**XXIV. College Level Examination Program (CLEP)**

An eligible student who elects to enroll in an institution of higher education through the College Level Examination Program (CLEP) must submit his test scores to the Committee in addition to the institution to which he seeks admission.

**XXV. Multiple Undergraduate Degrees and Graduate Education**

No student may use scholarship funds to obtain multiple degrees, except such degrees that are pursued concurrently. No student may use scholarship funds to obtain multiple graduate or multiple professional degrees in the same discipline.

**XXVI. Duties of Approved Institutions and Educational Programs**

All approved institutions and educational programs enrolling *Brown* scholarship recipients shall:

- Promptly credit disbursed funds to student accounts following verification of enrollment by the institution or program to the State Council of Higher Education.
- Not reduce the *Brown* scholarship award upon receipt of any other financial assistance on behalf of the student. However, the scholarship award may be reduced by the Committee to ensure that, when the award is added to other financial assistance, the award does not produce a total of financial assistance that exceeds the annual costs of attendance, as determined by the Committee.
- Promptly refund to the student funds allocated by the Committee for the book allowance each term, after tuition and fees have been deducted from the student's account, to (i) permit the student to purchase required textbooks and materials or (ii) reimburse the student for textbooks he has purchased for courses in which he is currently enrolled.
- Notify the Committee and the State Council of Higher Education, upon request, concerning the type and total of other financial assistance received by *Brown* scholarship recipients.

- Provide, upon request, information concerning the accreditation status of the school and academic programs offered and other relevant information as the Committee may require to evaluate student eligibility for awards and to determine the educational agency's eligibility for participation in the Program.
- Surrender promptly to the Commonwealth the balance of the scholarship award, in accordance with the tuition refund policy in effect at the time of the student's admission to the institution or educational program whenever a student withdraws or otherwise fails, regardless of reason, to complete the program in which he is enrolled.
- Designate a representative as a liaison to the Committee to ensure the successful matriculation and transition of *Brown* scholarship recipients.
- Provide such information as may be requested by the Committee to determine a student's and the educational agency's eligibility to participate in the scholarship program.

**XXVII. Entitlement Not Conferred**

The *Brown v. Board of Education* Scholarship Program was established by the General Assembly as a means of restoring a public education, by offering educational opportunities to persons who were denied an education during Massive Resistance (1954–1964), when public schools were closed to avoid desegregation after the 1954 Supreme Court decision in *Brown v. Board of Education*. The scholarship program is not reparation and should not be construed as such. Further, Virginia law implementing the Program does not create any legally enforceable right or entitlement on the part of any person or any right or entitlement to participation in the Program.

**XXVIII. Descendants**

The *Brown v. Board of Education* Scholarship Program is designed to provide educational opportunities to persons who were directly affected by public school closings during Massive Resistance, and who were unable either to begin, continue, or complete their public education. It is acknowledged that, in the many years preceding Massive Resistance, public education for African Americans throughout the Commonwealth was grossly inferior, dismal, and replete with inequities and indignities. Massive Resistance deprived many Virginians—African American and white—of an education when the public schools were closed. Although this tragic course of events may have precipitated generational repercussions, nevertheless, the progeny of the persons affected by school closings were not denied an education in Virginia's public schools. Therefore, the purpose of the Scholarship Program is not reparation. The *sole and only* purpose of the Scholarship Program is *restoration of education* to those who were directly affected.

**XXIX. Informational and Training Sessions for Applicants and Schools and Institutions**

Regular informational and training sessions concerning Virginia law and Committee policies governing the *Brown v. Board of Education* Scholarship Program shall be held for applicants and participating schools and institutions annually. Informational brochures regarding the Program shall also be developed and distributed to all applicants, schools, and institutions, and to the public upon request.

**XXX. Disclaimer**

The Committee will make awards each year to eligible students to the extent that sufficient funds are available to administer the *Brown v. Board of Education* Scholarship Program.